

v.

Defendant(s).

JURY DEMAND

COMES NOW, Plaintiff, Debbie L. Dowell, and files this Motion pursuant to 28 U.S.C. 144 and 28 U.S.C. 455, requesting that Magistrate Judge Frensley be disqualified from this proceeding, as his impartiality is reasonably questioned. In Docket Entry (D.E. 13), Plaintiff brought to the Court's attention that Defendants' answer or other responsive pleading was due on August 13, 2024. On August 12, 2024, Defendant submitted a request for a time extension of over 2 months. Specifically, Defendant requested "an extension of time, through and including October 14, 2024" (DE 11). Defendant's noted reason for the request was intentionally vague and ambiguous, intended to unnecessarily stall proceedings to Plaintiff's detriment, and failed to meet the minimum requirements of FRCP 27(a)(2). The next morning, on August 13, 2024, Magistrate Frensley quickly granted Defendant's request (DE 12). Plaintiff was not given an opportunity to respond to Defendant's request for extension.¹ On August 14, 2024,

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Plaintiff filed an objection to the granting of an over 2 month extension for the Defendant, as Defendant has been traumatizing Plaintiff as a condition of continued employment. Indeed, due to the Defendant's outrageous and intentional misconduct, Plaintiff suffered a traumatic injury. Plaintiff is no longer able to work and is currently in Doctor's care.

I believe that Magistrate Judge Frensley is bias against the Plaintiff because of Plaintiff's race (black) as Plaintiff has found no evidence in the Middle District of Tennessee Court filings to suggest that Magistrate Frensley has treated Plaintiffs who have identified as non-black, with the same disregard and contempt that he has demonstrated against the Plaintiff.

Per 28 U.S.C. 455, (a) Any magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

Per 28 U.S.C. 144: Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

Accordingly, Plaintiff respectfully requests that Magistrate Judge Frensley be disqualified and removed from any further proceedings in this case.


/s/Debbie Dowell
Debbie Dowell
Civil Engineer, *Pro Se*

the 10-day period runs only if the court gives reasonable notice to the parties that it intends to act sooner

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of August 2024, the foregoing document was filed and was served by electronic means via the Court's electronic filing system to:

MERCEDES C. MAYNOR
Assistant United States Attorney
719 Church Street, Suite 3300
Nashville, TN 37203
Telephone: (615) 736-5151
B.P.R. # 013330